



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 803
TRENTON, NJ 08625-0803

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

March 13, 2015

George G. Rosenberger, Jr., Esquire
18 North Main Street
Woodstown, NJ 08098

Re: Local Government Ethics Law
LFB Complaint #14-071
Notice of Determination

Dear Mr. Rosenberger:

The purpose of this letter is to apprise you of the Local Finance Board's (Board) final disposition of the above referenced Complaint.

The Local Government Ethics Law (LGEL), N.J.S.A. 40A:9-22.1 et seq., authorizes the Board to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of the LGEL where no local ethics board has been established. Upon receipt of a complaint against a local government officer or employee, the Board determines if a complaint is within its jurisdiction, frivolous, or has no reasonable factual basis prior to conducting an investigation.

You are hereby notified that a Complaint was filed against you and has been dismissed for lack of jurisdiction.

The Complaint alleges possible violations of the following provision of the LGEL:

N.J.S.A. 40A:9-22.5(c)

No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges and advantages for himself or others.

N.J.S.A. 40A:9-22.5(d)

No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a



direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.

Specifically, the Complaint alleges that you violated subsections (c) and (d) the LGEL because you, as Solicitor, have a three-year professional services contract with the Carney's Point Sewerage Authority in violation of the Local Public Contracts Law (LPCL), N.J.S.A. 40A:11-15, which limits professional services contracts to one year.

Following a preliminary investigation and evaluation of the facts and circumstances relevant to the Complaint and upon consideration of the foregoing provisions of the LGEL, the Board voted to dismiss the complaint for lack of jurisdiction.

The issue raised in the Complaint involves a legal interpretation of the LPCL, and not necessarily the LGEL's prohibition against using or attempting to use one's official position to secure unwarranted privileges or advantages for oneself or others. N.J.S.A. 40:9-22.5(c).

In the Board's view, such assertions most appropriately fall within the scope of the LPCL, and do not, in the Board's judgment, present a basis for it to proceed with an investigation under the LGEL.

Pursuant to N.J.S.A. 40A:9-22.9, the local government officer or employee against whom a complaint was filed must be notified of the Board's determination regarding a complaint. No action is required on your part. The case is now closed.

Should you have any questions regarding this matter, please feel free to contact Shannon Ludak at (609) 292-7075.

Sincerely,



Timothy J. Cunningham, Chairman
Local Finance Board

cc: Complainant



John Paff <opengovtissues@gmail.com>

Ethics Complaint Against Carney's Point Township Sewerage Authority Solicitor George G. Rosenberger, Jr.

1 message

John Paff <paff@pobox.com>
To: "McNamara, Pat" <Patricia.McNamara@dca.state.nj.us>

Tue, May 20, 2014 at 6:26 PM

May 21, 2014

Patricia Parkin McNamara
Local Finance Board
101 S Broad St – PO Box 803
Trenton, NJ 08625-0803
(via e-mail only to Patricia.McNamara@dca.state.nj.us)

Dear Ms. McNamara:

I intend this letter to be my complaint against George G. Rosenberger, Jr., Solicitor of Carney's Point Township Sewerage Authority in Salem County, for violating the Local Government Ethics Law. In accordance with N.J.A.C. 5:35-1.1(b), following are the required elements of the complaint:

1. State the point of the Local Government Ethics Law alleged to be violated.

N.J.S.A. 40A:9-22.5(c) and (d).

2. State the name(s) and title(s) of the parties involved in the action and against whom the complaint is filed.

John Paff and the New Jersey Libertarian Party
George G. Rosenberger, Jr.

3. Set forth in detail the pertinent facts surrounding the alleged violative action.

On May 9, 2014, I sent an e-mail (on-line [here](#)) to Mr. Rosenberger asking him (see the "Second" section of my e-mail) to explain why it is lawful for him to have a three-year contract with the Sewerage Authority when state law mandates a one-year term. Mr. Rosenberger's three year contract is on-line [here](#) and the publication of that contract is on-line [here](#).

In his May 12, 2014 response (on-line [here](#)), Mr. Rosenberger declined to explain his entitlement to a 3-year contract and instead invited me to "address the CPSA during the public session of any regular monthly meeting."

Since Mr. Rosenberger serves as counsel for the Authority, he must have advised him that it was acceptable to grant him a contract in excess of the one-year term that the statute allows. Additionally, he signed the contract without pointing out its invalidity to his client. Since he benefited financially from this contract's invalid duration, he has violated N.J.S.A. 40A:9-22.5(c) and (d).

4. Indicate whether the complaint concerns the complainant in any way and what, if any, relationship the complainant has to the subject of the complaint.

Complainant has no interest in or relationship to this complaint greater than any other citizen or organization who wishes for all government officers and employees to comply fully with the Local Government Ethics Law.

5. Indicate any other action previously taken in an attempt to resolve the issue and indicate whether the issue is the subject of pending litigation elsewhere.

Save for my e-mail to Mr. Rosenberger, no known other action has been taken previously in an attempt to resolve this issue and this issue is not the subject of any pending litigation.

Thank you for your attention to this matter. I ask that you please acknowledge your receipt of this complaint within 30 days.

Sincerely,

John Paff
P.O. Box 5424
Somerset, NJ 08875
Voice: 732-873-1251
Fax: 908-325-0129
e-mail: paff@pobox.com